

### **REMARKS**

Claims 1-15 and 19-26 are pending in the application, of which claims 1, 21 and 25 are independent.

#### **35 U.S.C. §103(a) Rejections**

Claims 1-8, 19-22, 25 and 26 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,848,415 to Guck (hereinafter “Guck”) in view of United States Patent Publication No. 2002/0165988 to Khan (hereinafter “Khan”). Claims 9-15, 23 and 24 were rejected as unpatentable over Guck in view of Khan in further view of U.S. Patent No. 6,857,102 to Bickmore (hereinafter “Bickmore”). Applicants respectfully traverse the rejections.

#### **Summary of Claimed Invention**

The claimed invention provides a mechanism for delivering customized content to a requesting mobile device such as a cellular phone. The content generated for delivery to the mobile device is converted from a generic markup language. The content being delivered to the mobile device is not only converted into a form of content that is displayable on the mobile device, but the converted content is also customized based upon one or more device attributes of the requesting mobile device prior to delivery.

#### **Guck**

Guck discusses the use of a transmission protocol and application format conversion process that may be utilized with an object database. Requests from a client device or a document cause the requested document to be retrieved, and if necessary, converted to a transmission protocol and application format required or requested for the requesting client device. The conversion process uses many different converter objects to perform the required transformations. In the event a single converter for the required transformation cannot be identified, the system of Guck allows multiple converters to be chained together to produce the result as part of a multi-stage process.

Khan

Khan discusses the use of a gateway to handle requests for web-based content. User-defined information is received and is used to identify and retrieve the content from one or more network sites. The retrieved content is aggregated, formatted and provided to a user device.

Bickmore

Bickmore discusses a re-authoring system to change a document originally designed for display on a desktop computer screen so that it can be displayed on a smaller display screen. Document and re-authoring parameters are manually entered into the re-authoring system as part of a configuration process. The system then converts a document into a number of pages, each page being fully displayable with minimal scrolling of the display screen.

Argument

Claim 1 as amended recites:

1. A computer-implemented method of delivering customized content over a network to mobile devices, the method comprising:
  - providing content in a generic markup language, **the generic markup language including tags used to translate the content, behavior of the tags extensible by a content developer for use in content translation based on an identified attribute of a requesting device, the content in the generic markup language convertible into content of multiple programming languages capable of being displayed on a mobile device;**
  - providing at least one registry containing device information for multiple types of mobile devices, the information including device attributes for each type of mobile device;
  - receiving a request for the content from a mobile device interfaced with the network;
  - identifying automatically without user input, based on the request, a type of device for the mobile device;**
  - retrieving device information for the identified type of device from the at least one registry;
  - generating content for the mobile device by:
    - converting the content in the generic markup language into a form of content displayable on the mobile device; and
    - customizing the converted content based upon at least one device attribute in the device information retrieved from the at least one registry, the customizing occurring programmatically without input from a user; and

transmitting the generated content over the network to the mobile device.

Applicants respectfully submit that Guck in view of Khan fail to disclose, teach or suggest all of the limitations of Applicants' claim 1 as amended. More specifically, Guck in view of Khan fail to disclose, teach or suggest at least "identifying automatically, without user input, based on the request, a type of device for the mobile device" and "the generic markup language including tags used to translate the content, behavior of the tags extensible by a content developer for use in content translation based on an identified attribute of a requesting device, the content in the generic markup language convertible into content of multiple programming languages capable of being displayed on a mobile device" as recited in Applicants' amended claim 1.

The Examiner admitted that Guck failed to disclose "identifying automatically without user input, based on the request, a type of device for the mobile device" (Office Action, page 4), but relied on Khan as teaching this element. Applicants respectfully disagree.

In the Office Action, the Examiner pointed to paragraphs [0008] and [0011] of Khan as teaching this claim element. However, a close reading of those paragraphs indicates that they fail to disclose, teach or suggest Applicants' claimed limitation. Applicants' claim 1 recites "identifying automatically, **without user input**, based on the request, **a type of device** for the mobile device"[emphasis added]. In contrast, paragraph [0008] of Khan states "The **user-defined** information is received and used to identify and retrieve the specified content from one or more network sites, such as web sites"[emphasis added]. The information in Khan is user-defined which clearly does not meet Applicants' claim limitation of "without user input". Additionally, the information is used to identify and retrieve specific content rather than to identify the type of requesting device. While paragraphs [0010] and [0011] in Khan discuss formatting content for the device of the user, there is no suggestion that the device is automatically identified. Accordingly, Applicants respectfully submit that Guck in view of Khan fails to disclose, teach or suggest Applicants' claim limitation of "identifying automatically, without user input, based on the request, a type of device for the mobile device."

Furthermore, Applicants have also amended claim 1 herein to recite “the generic markup language including tags used to translate the content, behavior of the tags extensible by a content developer for use in content translation based on an identified attribute of a requesting device, the content in the generic markup language convertible into content of multiple programming languages capable of being displayed on a mobile device.” Neither Guck nor Khan disclose, teach or suggest this claim element.

As noted above, Guck relies on a number of discrete static converter objects to perform specific conversions from one type of content to another. Guck does not disclose, teach or suggest **a generic markup language** with tags used to translate the content where the behavior of the tags for content translation is extensible by a content developer based on an identified attribute of a requesting device. Instead, Guck discusses performing format conversions based on application requirements and transmission protocols rather than device attributes. Khan also appears to be silent with respect to this claim element.

Accordingly, for at least these reasons, the combination of Guck and Khan fail to disclose, teach or suggest all of the elements of Applicants’ claim 1. Applicants therefore request the reconsideration and allowance of claim 1.

#### Claims 2-8, and 19-20

Claims 2-8 and 19-20 depend upon claim 1 and Applicants submit they are allowable for at least the same reasons. Applicants therefore request the reconsideration and allowance of claims 2-8 and 19-20.

#### Claims 21-22

Independent claim 21 is a medium claim corresponding to claim 1 and Applicants respectfully suggest that claim 21 is allowable for the same reasons set forth above for claim 1. Accordingly, Applicants request the reconsideration and allowance of claim 21 (and claim 22 which depends thereon).

Claims 25-26

Independent claim 25 is a system claim and Applicants respectfully submit that the reasoning set forth above for claim 1 is also applicable to claim 25. For example, claim 25 recites “the generic markup language including tags used to translate the content, behavior of the tags extensible by a content developer for use in content translation based on an identified attribute of a requesting device, the content in the generic markup language convertible into content of multiple programming languages capable of being displayed on a mobile device” and “identifying automatically without user input, based on the request, a type of device for the mobile device.” As discussed above, these claim elements are not disclosed, taught or suggested by Guck in view of Khan. Allowance of claims 25 (and claim 26 which depends thereon) is requested.

Claims 9-15, 23 and 24

Claims 9-15, 23 and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over Guck in view of Khan in further view of Bickmore. However, Bickmore fails to disclose or suggest those claim elements of the underlying independent claims 1 and 21 discussed above that are missing from Guck and Khan. Accordingly, reconsideration and allowance of claims 9-15 and 23-24 is requested.

**CONCLUSION**

In view of the above Amendment and remarks, Applicants believe that all of the pending claims in the application are in condition for allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. AVE-003RCE3. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

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